

TERMINAL DISCLAIMER TO OBLIGATE A DOUBLE  
PATENTING REJECTION OVER A PRIOR PATENT

Docket Number  
040338

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **ISHIKAWA, Masahide**

Group Art Unit: 1796

Serial No.: **10/500,867**

Examiner: **Vickey M. Ronesi**

Filed: **July 21, 2004**

P.T.O. Confirmation No.: **8698**

For: **AN AGENT FOR SUPPRESSING TRANSFER OF ODOR AND TASTE  
ORIGINATING FROM A DIACETAL, A DIACETAL COMPOSITION  
COMPRISING THE AGENT FOR SUPPRESSING TRANSFER OF ODOR AND  
TASTE, A POLYOLEFIN NUCLEATING AGENT COMPRISING THE  
COMPOSITION, A POLYOLEFIN RESIN COMPOSITION AND MOLDED  
PRODUCT COMPRISING THE NUCLEATING AGENT**

**TERMINAL DISCLAIMER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

December 10, 2008

Sir:

The undersigned, Donald W. Hanson, is attorney of record in the above-identified patent application. The terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,914,088 is hereby disclaimed except as provided below. It is agreed that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.



This disclaimer is submitted on behalf of New Japan Chemical Co., Ltd., a Japanese company, on whose behalf the undersigned is empowered to act, which owns the entire and exclusive right, title and interest to the invention entitled, An Agent for Suppressing Transfer of Odor and Taste Originating from a Diacetal, a Diacetal Composition Comprising the Agent for Suppressing Transfer of Odor and Taste, a Polyolefin Nucleating Agent Comprising the Composition, a Polyolefin Resin Composition and Molded Product Comprising the Nucleating Agent, for which the above-identified patent application was filed on July 21, 2004, Serial No. 10/500,867, and all Letters Patent of the United States to be obtained therefor on said application or any continuation, divisional, substitute, reissue or reexamination thereof for the full term or terms for which the same may be granted, by virtue of an assignment from the inventors of the above-identified patent application. The assignment was recorded in the Patent and Trademark Office at Reel (016305), Frame (0318), or a copy thereof is attached.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

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PATENT & TRADEMARK OFFICE

XX Please charge Terminal disclaimer fee under 37 CFR 1.20(d)  
in the amount of \$130.00 to Dep. Acct. 01-2340.

PTO suggested wording for terminal disclaimer was  
XX unchanged.        changed (as described in attached explanation).